

DEPARTMENT OF STATE

[Public Notice No. 2252]

Notice of Advisory Committee Study Group Meeting on Proposed Rules for Secured Interests in International Transactions

A meeting of a new Study Group on International Secured Interests, co-hosted by the Secretary of State's Advisory Committee on Private International Law (ACPIL) and the Subcommittee on International Commercial Law, Section of Business Law of the American Bar Association (ABA), will be held on Monday, September 18, 1995 in New York at the Brooklyn Law School from 9:30–5:00. The focus of the meeting will be on various efforts by international organizations and others to establish rules for, or unify laws on, secured interests and receivables financing in the context of international transactions. A seminar on international and domestic credit enhancement will take place the following day at Brooklyn Law School, and attendees at the Study Group meeting will be invited to the following day's sessions.

The primary focus for the Study Group will be projects under way at UNCITRAL (United Nations Commission on International Trade Law) and UNIDROIT (International Institute for the Unification of Private Law).

UNIDROIT, an intergovernmental organization of which the United States is a member, is in the process of preparing an initial draft of Uniform Rules on the recognition and enforcement of international interests in mobile equipment. The proposed Rules will need to define what constitutes an international security interest, whether the convention itself should create or only recognize such interests, whether such interests may secure future as well as present obligations, the scope of equipment to be covered, the appropriate registry or registries, remedies and enforcement, basic priority rules and possibly jurisdiction. Consideration will also be given to drafting the rules in the form of a convention (multilateral treaty), rather than as a uniform law. UNIDROIT will hold its next drafting session in October 1995; the meeting of the Study Group will provide guidance for U.S. participants. Documents available include UNIDROIT reports contained in Study LXXII, reports of U.S. participants in prior preliminary drafting meetings of UNIDROIT, and reports prepared for the Aviation Working Group.

UNCITRAL is in the preliminary stages of drafting model law rules on "receivables financing", which focuses on the assignment of rights to payment for goods and services in a broad range of commercial goods. Various types of trade financing mechanisms may be relevant, such as secured transactions, factoring, forfeiting, secondary financing, etc. The preliminary draft rules cover forms of assignment and transfer of security rights, the relationship between assignor and assignee, warranties, applicable law, enforcement and defenses, effect of assignments toward third parties, and priorities. The rules are intended to encompass bulk assignments and general inventory, as well as identifiable goods. UNCITRAL will hold its first working group meeting on this topic in November, 1995; the meeting of the Study Group will provide guidance for U.S. participants. Documents available include reports prepared by the UNCITRAL Secretariat on the legal aspects of receivables financing, U.N. Docs. A/CN.9/397 and 412.

Discussion of the above-referenced projects will take into account the already completed UNIDROIT conventions on International Financial Leasing and International Factoring, both of which are expected to be submitted to the U.S. Senate for advice and consent to United States ratification.

The review of these and other international projects will take into account proposed revisions to the Uniform Commercial Code which are presently under consideration by the National Conference of Commissioners on Uniform State Laws, as well as work being done by the American Law Institute, the American Bar Association and others. In addition, the status of other related projects will be discussed, including current projects on secured interests laws by the World Bank and the National Law Center for Inter-American Free Trade (CIFT) in Tucson, Arizona.

The meeting will be open to the public up to the capacity of the meeting room and all attendees can participate subject to rulings of the Chair. The meeting will be held at Brooklyn Law School, 250 Joralemon Street (downtown Brooklyn), New York 11201. Location of the meeting will be posted at the Law School for participants. Persons wishing to attend or who want further information should contact Peter Winship, International Commercial Law Subcommittee, at (202) 822-8633, fax (202) 785-5185, or Harold Burman, Advisory Committee Executive Director, (202) 776-8421, fax (202) 776-8482.

Copies of all documents referred to above can be obtained on request from the Advisory Committee. Persons unable to attend the meeting may submit their comments in writing to the Advisory Committee by fax at (202) 776-8482 or to the Office of the Legal Adviser (L/PIL), Suite 203 South Building, 2430 E Street, NW., Washington, DC 20037-2800. For information on arrangements at Brooklyn Law School, contact Judy Cohn at (718) 780-7987, fax (718) 780-0393.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law, Vice-Chair, Secretary of State's Advisory Committee on Private International Law.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-95-32]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before September 27, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT:

Mr. D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 1, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions For Exemption

Docket No.: 28030

Petitioner: Taquan Air Service, Inc.

Sections of the FAR Affected: 14 CFR 43.3(g)

Description of Relief Sought: To permit appropriately trained pilots employed by Taquan Air Service, Inc., (TAS) to perform daily compressor turbine washes on the Pratt & Whitney engine installed on the Cessna 208 Caravan I that TAS operates under part 135.

Dispositions of Petitions

Docket No.: 18599

Petitioner: T.B.M., Inc.

Sections of the FAR Affected: 14 CFR 36.1581(c)

Description of Relief Sought/

Disposition: To amend Exemption No. 2745, as amended, which permits the amendment of the landing weight operating limitations imposed on specified DC-6 and DC-7 aircraft to allow landings at weights at or below the applicable maximum landing weight during firefighting operations. The amendment deletes a DC-7B (Registration No. N848D) from this exemption, because it was destroyed in an accident.

GRANT, July 24, 1995, Exemption No. 2745B

Docket No.: 25089

Petitioner: Hawkins & Powers Aviation, Inc.

Sections of the FAR Affected: 14 CFR 137.53(c)(2)

Description of Relief Sought/

Disposition: To extend Exemption No. 5075, as amended, which permits

Hawkins & Powers Aviation, Inc., to conduct aerial application of insecticide from C-118A (DC-6) aircraft over congested areas without the aircraft being equipped with a device capable of jettisoning at least one-half of the aircraft's maximum authorized load of agricultural materials within 45 seconds.

GRANT, August 3, 1995, Exemption No. 5075C

Docket No.: 25794

Petitioner: Air Transport Association of America

Sections of the FAR Affected: 14 CFR 47.49 and 91.203

Description of Relief Sought/

Disposition: To extend and amend Exemption No. 5318, as amended, which permits Air Transport of America member airlines to operate their U.S.-registered aircraft on a temporary basis following the incidental loss or mutilation of a certificate of airworthiness, registration, or both. The amendment removes references to § 47.49. The original grant reflected that this section was not necessary to the issuance of the exemption; however, § 47.49 was nevertheless inadvertently included.

GRANT, July 24, 1995, Exemption No. 5318D

Docket No.: 27117

Petitioner: Paragators, Inc.

Sections of the FAR Affected: 14 CFR 105.43

Description of Relief Sought/

Disposition: To extend Exemption No. 5659, which permits Paragators, Inc., (Paragators) to allow nonstudent parachutists who are foreign nationals to participate in Paragators-sponsored parachute-jumping events at Paragators' facilities, using parachutes that have not been approved by the FAA, but have been accepted or approved for use by the proper authorities in the foreign parachutist's own country.

GRANT, June 30, 1995, Exemption No. 5659A

Docket No.: 27140

Petitioner: Hi Line Helicopters, Inc.

Sections of the FAR Affected: 14 CFR 135.143(c)(2)

Description of Relief Sought/

Disposition: To extend Exemption No. 5715, which allows Hi Line Helicopters, Inc., to operate part 135 aircraft without a TSO-C112 (Mode S) transponder installed on its aircraft.

GRANT, July 19, 1995, Exemption No. 5715A

Docket No.: 27153

Petitioner: Kachina Aviation

Sections of the FAR Affected: 14 CFR 135.143(c)(2)

Description of Relief Sought/

Disposition: To extend Exemption No. 5701, which allows Kachina Aviation to operate its part 135 aircraft without a TSO-C112 (Mode S) transponder installed on its aircraft.

GRANT, May 24, 1995, Exemption No. 5701A

Docket No.: 27167

Petitioner: Corporate Aviation Services, Inc.

Sections of the FAR Affected: 14 CFR 135.143(c)(2)

Description of Relief Sought/

Disposition: To extend Exemption No. 5756, which allows Corporate Aviation Services, Inc., to operate part 135 aircraft without a TSO-C112 (Mode S) transponder installed on its aircraft.

GRANT, July 19, 1995, Exemption No. 5756A

Docket No.: 27306

Petitioner: NockAir Helicopters, Inc.

Sections of the FAR Affected: 14 CFR 133.43 (a) and (b)

Description of Relief Sought/

Disposition: To extend Exemption No. 5708, which permits NockAir Helicopters, Inc., to use its helicopters to perform aerial trapeze acts without using an approved external-load attachment or a quick-release device for carrying a person on a trapeze bar.

GRANT, August 3, 1995, Exemption No. 5708A

Docket No.: 27310

Petitioner: Purdue University

Sections of the FAR Affected: 14 CFR 61.55(b)(2); 61.56(c)(1); 61.57 (c) and (d); 61.58 (c)(1) and (d); 61.63 (c)(2) and (d) (2) and (3); 61.65 (c), (e) (2) and (3), and (g); 61.67(d)(2); 61.157 (d)(1) and (2) and (e) (1) and (2); 61.191(c); and appendix A, part 61

Description of Relief Sought/

Disposition: To extend Exemption No. 5706, which permits Purdue University to use FAA-approved simulators to meet certain flight experience requirements of part 61.

GRANT, July 19, 1995, Exemption No. 5706A

Docket No.: 28068

Petitioner: Bombardier, Inc., Canadair

Sections of the FAR Affected: 14 CFR 91.211(b)(1)(ii)

Description of Relief Sought/

Disposition: To allow operation of Canadair Global Express (GX) aircraft at altitudes above 41,000 feet mean sea level (MSL) without requiring that at least one pilot at the controls of the airplane wear an oxygen mask.

DENIAL, August 3, 1995, Exemption No. 6141

Docket No.: 28079

Petitioner: General Electric Aircraft Engines

Sections of the FAR Affected: 14 CFR 21.325(b) (1) and (3)

Description of Relief Sought/

Disposition: To allow export airworthiness approvals to be issued for Class I products that have been assembled, inspected, and tested at the Universal Maintenance Center (UMC) in Bandung, Indonesia. Additionally, this exemption allows export airworthiness approvals to be issued for Class II and Class III export that are U.S.-manufactured under the control of General Electric Aircraft Engines quality control system but exported from its facilities located in other countries.

PARTIAL GRANT, July 25, 1995, Exemption No. 6139

Docket No.: 28219

Petitioner: IRZ Infrascan

Sections of the FAR Affected: 14 CFR 135.143(c)(2)

Description of Relief Sought/

Disposition: To permit IRZ Infrascan to operate without a TSO-C112 (Mode S) transponder installed on its aircraft operating under the provisions of part 135.

GRANT, July 14, 1995, Exemption No. 6138

Docket No.: 28282

Petitioner: Raytheon Aircraft Company
Sections of the FAR Affected: 14 CFR 21.183(c) and 21.325(b)(1)

Description of Relief Sought/

Disposition: To permit the Raytheon Aircraft Company to obtain standard airworthiness certificates for its Hawker Models 800, 800XP, and 1000 aircraft, type certificated in accordance with § 21.21 instead of § 21.29, and to permit Raytheon to obtain export certificates of airworthiness for those model aircraft from a manufacturing facility located outside of the United States.

GRANT, August 3, 1995, Exemption No. 6142

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Federal Highway Administration

[FHWA Docket No. 95-20]

Advanced Technology in Commercial Motor Vehicle Operations; Request for Comments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; request for information.

SUMMARY: The FHWA seeks information from motor carriers, vehicle and component manufacturers, technology vendors, and the public on the use of

advanced driver, vehicle, and inspection technology in commercial motor vehicle operations. The FHWA plans to evaluate existing technologies to determine if they could be used to simplify or automate compliance with any of the Federal Motor Carrier Safety Regulations (FMCSRs) without compromising public safety. Commenters are encouraged to identify safety-related technology that could reduce paperwork or contribute to more efficient safety management and enforcement practices.

DATES: Comments should be received no later than November 6, 1995.

ADDRESSES: All written, signed comments should refer to the docket number that appears at the top of this document and must be submitted to HCC-10, Room 4232, Office of Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Philip J. Roke, Office of Motor Carrier Research and Standards, (202) 366-5884, or Mr. Charles Medalen, Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The FHWA requests ideas, suggestions, and comments from motor carriers, manufacturers, technology vendors, other interested parties, and the public on how technology currently available, or soon to become available, to motor carriers and drivers subject to Federal regulatory requirements could be substituted for existing regulatory methods without compromising public safety. This is consistent with the goals of the agency's Zero Base Regulatory Review of the FMCSRs (49 CFR parts 350-399).

Specifically, the FHWA requests commenters to identify and discuss technologies that could reduce costs, delays, and paperwork burdens associated with the current rules, or even enhance operational safety. For example, on September 30, 1988, the FHWA published a final rule (53 FR 38666) to allow motor carriers, at their

option, to use certain automatic on-board recording devices to record their drivers' records of duty status in lieu of the required handwritten record of duty status. This provision is now found at § 395.15 of the FMCSRs. Comparable innovations with even greater economic or safety potential may now be available or in the final stages of development.

Information submitted by commenters will help the agency decide which rules could benefit from technological modernization. We will consider amending or replacing current rules with technology-based standards that are consistent with the safe operation of commercial motor vehicles. Any revisions or modifications to the FMCSRs would be done under a separate rulemaking.

Ongoing Research and Development

The FHWA is pursuing several research projects addressing advances in driver, vehicle, and inspection technology. These projects include studies of fitness-for-duty testing devices, automated roadside inspection technologies, advanced brake system testing devices, and the feasibility of standardized vehicle safety component diagnostic devices. The FHWA will use relevant information supplied in response to this notice to supplement and/or validate these research findings.

Manufacturing Standards

The National Highway Traffic Safety Administration (NHTSA) establishes vehicle manufacturing standards and has the statutory authority to require specific components and or systems in original manufactured vehicles. The FHWA plans to share relevant vehicle component and/or systems information received in response to this notice with the NHTSA.

Information Requested

The FHWA requests commenters to provide information on available or soon-to-be available driver and vehicle technology that reduces the regulatory burden of complying with specific areas of the FMCSRs. Please provide as much data as possible on the design, operation, and cost (hardware, software, installation, training, maintenance, etc.) of each device or technology. Reductions in regulatory burdens should be quantified if at all possible. Detailed estimates of savings (in expenditures, time, accidents avoided, etc.) are also very important. (49 U.S.C. 31136, 315022; 49 CFR 1.48)